REMARKS:

Status Of Claims

Claims 1-40 were previously pending in the application. Claim 11 has been amended. Thus, claims 1-40 are currently pending in the application with claims 1, 10, 15, 23, 31, and 37 being independent.

Office Action

Applicant would like to thank the Examiner for indicating that claims 17-22 would be allowable if rewritten in independent form. However, the Examiner apparently did not address claims 37-40, which were added in the previous amendment.

In the office action, the Examiner rejected claim 11 under 35 U.S.C. 112, second paragraph. Claim 11 has been amended to address this rejection.

The Examiner also rejected claims 1, 2, 7, 8, 10, and 12 under 35 U.S.C. 103(a) as being unpatentable over Turetzky et al., U.S. Patent No. 6,529,829. The Examiner also rejected claims 3-5 under 35 U.S.C. 103(a) as being unpatentable over Turetzky et al. in view of Hakala et al., U.S. Patent No. 6,452,544. The Examiner also rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Turetzky et al. in view of Horvitz et al., U.S. Patent No. 6,601,012. The Examiner also rejected claims 9, 13-16, 23-32, 34, and 35 under 35 U.S.C. 103(a) as being unpatentable over Turetzky et al. in view of DeLorme et al., U.S. Patent No. 6,321,158. Applicant respectfully submits that the currently pending

claims distinguish the present invention from Turetzky, Hakala, Horvitz, DeLorme, and the other prior art references of record, taken alone or in combination with each other.

Specifically, claim 1 recites "providing a first device including a triangulation positioning functionality" and "providing a second device to communicate with the first device, but separate from the first device, the second device including a dead reckoning positioning functionality". As previously discussed, claim 1 requires one device having "triangulation positioning functionality" and another separate device "to communicate with the first device" having "dead reckoning functionality that includes an orientation component and a distance detection component".

In contrast, as previously argued, Turetzky's dead reckoning system is integral to his GPS enabled device and the two are simply not physically separable. In responding to this argument, the Examiner relies on *Nerwin v. Erlichman*, 168 U.S.P.Q. 177 for holding "constructing a formerly integral structure in various elements involves only routine skill in the art". However, the Board of Appeals has consistently reversed such rejections as being unsupported. *See Ex Parte James M. Gruden and Robert B. Brooks Jr.*, Appeal No. 97-1147, Application No. 08/349,087. *See also Ex Parte Horst Knoch, Norbert Niesemeyer, and Wilfried Reissenweber*, Appeal No. 95-0072, Application No. 07/922,796.

Specifically, the *Gruden* Board stated:

> The examiner's reliance on and citation of [*Nerwin*], which according to the examiner held that "constructing a formerly integral structure in various elements involves only routine skill in the art," appears to be misplaced. We find no such "holding" in *Nerwin v. Erlichman*. ...
>
> In light of the forgoing, we must agree with appellants' position that the examiner has failed to make out a *prima facie* case of obviousness under

> 35 U.S.C. § 103. A rejection based on § 103 must rest on a factual basis, with facts being interpreted without hindsight reconstruction of the invention from the prior art. In making this evaluation, the examiner has the initial duty of supplying the factual basis for the rejection he advances. The examiner may not, because he (or she) doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. *See In re Warner*...

Here, as in *Gruden*, the Examiner has misconstrued *Nerwin* and engaged in impermissible "hindsight reconstruction to supply deficiencies in the factual basis". Specifically, as previously argued, the prior art references made of record do not teach or suggest each of the claimed limitations. For example, Turetzky does not teach or suggest one navigation device being physically separable from a complementary navigation device. Turetzky actually teaches just the opposite, with a preference to combine multiple components on one integrated circuit. Furthermore, as previously argued, the prior art references made of record do not supply any suggestion or motivation to combine their teachings. Rather, Turetzky teaches away from such modification. Thus, Turetzky simply does not disclose, suggest, or make obvious "providing a first device including a triangulation positioning functionality" and "providing a second device to communicate with the first device, but separate from the first device, the second device including a dead reckoning positioning functionality", as claimed in claim 1. As a result, the Examiner has failed to establish a prima facie case of obviousness and the present rejections simply cannot be sustained, and would not be sustained by the Board.

Similarly, claim 10 recites "providing a first mobile device including a triangulation

positioning functionality" and "providing a second mobile device to communicate with the first mobile device and physically separable therefrom, the second mobile device including a dead reckoning functionality that includes an orientation component and a distance detection component". Thus, claim 10 requires that one device have "triangulation positioning functionality" and another device be "physically separable therefrom" and have "dead reckoning functionality that includes an orientation component and a distance detection component".

In contrast, as discussed above with respect to claim 1, Turetzky does not disclose two physically separable devices, one with triangulation capability and another with dead reckoning capability. In fact, Turetzky actually teaches away from such separability. As a result, Turetzky simply does not disclose, suggest, or make obvious "providing a first mobile device including a triangulation positioning functionality" and "providing a second mobile device to communicate with the first mobile device and physically separable therefrom, the second mobile device including a dead reckoning functionality that includes an orientation component and a distance detection component", as claimed in claim 10.

Claim 12 recites "retrieving navigation related data from a memory of the second mobile device and displaying the navigation related data on an integral display of the first mobile device". Claim 12 depends from claim 10. Thus, claim 12 not only requires the first and second device to be separable, but also requires that one device store navigation data and the other display that navigation data. Thus, not only are GPS and dead reckoning functions separated, so too are the storage and display of navigation data.

In contrast, Turetzky discloses no such functionality. Turetzky does not even suggests the possibility of storing navigation data in one device and displaying that data on another device. As a result, Turetzky simply does not disclose, suggest, or make obvious "retrieving navigation related data from a memory of the second mobile device and displaying the navigation related data on an integral display of the first mobile device", as claimed in claim 12.

Claim 15 recites "tracking a location of a first device using a triangulation positioning functionality" and "using a second device to communicate with the first mobile device, that is physically separable therefrom, and that includes a distance determination component and an orientation component". Thus, as in claims 1 and 10, claim 15 requires two physically separable units, one with triangulation capability and another with dead reckoning capability.

In contrast, as discussed above with respect to claim 1, Turetzky does not disclose two physically separable units, able to communicate with each other, one having triangulation capability and another having dead reckoning capability.

As previously argued, DeLorme discloses a GPS receiver used interchangeably with a dead reckoning system, rather than together as claimed in claim 15. Specifically, DeLorme's PDA device 02,102 can accept ***either*** a GPS system 08 or a dead reckoning system, not shown, but not both. Therefore, DeLorme's GPS system simply cannot communicate with his dead reckoning system. In fact, DeLorme actually teaches away from using his GPS system and dead reckoning system together. As a result, no

combination of Turetzky and/or DeLorme discloses, suggests, or makes obvious "tracking a location of a first device using a triangulation positioning functionality" and "using a second device to communicate with the first mobile device and physically separable therefrom that includes a distance determination component and an orientation component", as claimed in claim 15.

Claim 23 recites "a first mobile device including a dead reckoning positioning component" and "a second mobile device removably situated in the first mobile device including a triangulation positioning functionality in communication with the first mobile device". In contrast, as previously argued, neither Turetzky nor DeLorme disclose a similar combination of functionality. As a result, no combination of Turetzky and/or DeLorme discloses, suggests, or makes obvious "a first mobile device including a dead reckoning positioning component" and "a second mobile device removably situated in the first mobile device including a triangulation positioning functionality in communication with the first mobile device", as claimed in claim 23.

Claim 26 recites "wherein the first mobile device further includes a triangulation positioning functionality, and the second device further includes a dead reckoning positioning component". Since claim 26 depends from claim 23, claim 26 actually requires both devices to include both triangulation and dead reckoning functionality. In contrast, neither Turetzky nor DeLorme disclose two devices, communicating with each other that each include both triangulation and dead reckoning functionality. As a result, no combination of Turetzky and/or DeLorme discloses, suggests, or makes obvious the

limitations claimed in claim 26.

Claim 29 recites "wherein the second mobile device is removably, physically interfaced to the first mobile device". As discussed above, Turetzky's GPS receiver is integral with his dead reckoning sensor, and are therefore not "removably, physically interfaced" to each other. Also as discussed above, DeLorme's GPS system is interchangeable with his dead reckoning system, and therefore not interfaced with each other at all. As a result, no combination of Turetzky and/or DeLorme discloses, suggests, or makes obvious the limitations claimed in claim 29.

Claim 30 recites "wherein the first and second mobile devices are wirelessly interfaced with one another". In contrast, as discussed above, Turezky's GPS receiver is integral with his dead reckoning sensor, and therefore not "wirelessly interfaced with one another". Also as discussed above, DeLorme's GPS system is interchangeable with his dead reckoning system, and therefore not interfaced with each other at all. As a result, no combination of Turetzky and/or DeLorme discloses, suggests, or makes obvious the limitations claimed in claim 30.

Claim 31 recites "a first device having a processor, a memory, and a transceiver ... including a positioning function", "a second device having a processor, a memory, and a transceiver to communicate with one another, the second device including a positioning functionality", "wherein the transceivers in the first and the second devices transmit navigation related data wirelessly between the first and the second devices", and "wherein the first and the second devices cooperate to resolve a position of the first and the second

devices". As discussed at length above, no combination of Turetzky and/or DeLorme discloses, suggests, or make obvious two separate positioning devices that wirelessly communicate with one another and cooperate to resolve a position, as claimed in claim 31.

Claim 33 recites "wherein the first and the second devices resolve the position using the GPS functionality while a GPS signal service is available to the first device, and wherein one of the first and the second devices resolve the position using the dead reckoning positioning functionality to supplement the GPS functionality when one of an interrupted, and unavailable GPS signal service is indicated by the first device". Claim 33 depends, indirectly, from claim 31. As discussed at length above, neither Turetzky nor DeLorme disclose, suggest, or make obvious two separate positioning devices that wirelessly communicate with one another and cooperate to resolve a position, as claimed in claim 31, much less the manner of that cooperation, as claimed in claim 33.

The remaining claims all depend directly or indirectly from independent claims 10, 15, 23, or 31, and are therefore also allowable.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 501-791. In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

By: _____

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